



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 6898-99

11 February 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 18 May 1993 for four years as an SN (E-3). At that time, you extended your enlistment for an additional period of 24 months in exchange for training in the nuclear field and an enlistment bonus.

The record reflects that you served without incident until 31 August 1993 when you were disenrolled from the nuclear power training program because you failed to disclosed certain information prior to enlistment. The following day you were referred to the mental health clinic for an evaluation to determine your fitness for duty. You reported "I am having problems with military life...Its causing depression anxiety and some medical problems...I can't adjust and I am losing control of my mind and body." You also experienced suicidal ideation with the vague plan of jumping in front of a bus. You claimed that you had attempted suicide one year ago by taking a "bottle and a half of pills." The attempt occurred in the context of family problems, the end of a relationship, and the death of a relative. Psychological testing was conducted and the results were suggestive of moderate to severe levels of depression and anxiety

in a individual with significant character pathology, i.e., antisocial, passive-aggressive, borderline, and paranoid traits. You were diagnosed with an adjustment disorder with mixed emotional features and a personality disorder, not otherwise specified, with passive-aggressive and immature traits. The examining psychologist stated that your personality disorder made you unsuitable for further service. Although you were not imminently suicidal, you represented an ongoing potential risk for harm to yourself or others if retained.

On 20 September 1993 you were notified that an entry level separation was being considered by reason of convenience of the government due to personality disorder. You were advised of your procedural rights, declined to consult with counsel, and waived your procedural rights. Thereafter, the discharge authority directed separation. On 27 September 1993, you received an uncharacterized entry level separation by reason of "other physical/mental conditions-personality disorder", and were assigned an RE-4 reenlistment code.

Regulations authorize the assignment of an RE-4 reenlistment code to individuals who are separated by reason of a personality disorder. The Board noted your contention that your mental state at the time of discharge was affected by a death in the family. You claim that since discharge you have completed your college degree, and that your emotional health is normal and have had no counseling or treatment for any such problems. However, your contentions and claims are unsupported by any evidence submitted in support of your application. Further, you provide no evidence that the Navy's diagnosis of a personality disorder was either erroneous. Since you were considered a potential risk for harm to yourself or others if retained, the Board concluded that the assigned reenlistment code was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director